

ZB# 04-29

**Strategic Homes
(Denied)**

63-4-9.2

ZBA #04-29 STRATEGIC HOMES
(AREA) SYCAMORE DR (63-4-9.2)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Denied 6-14-04

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 23, 2004

**APPLICANT: Strategic Homes
P.O. Box 522
Vails Gate, NY 12584**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/14/04

FOR : Proposed one-family house

LOCATED AT: Sycamore Drive


ZONE: R-4 Sec/Blk/ Lot: 63-4-9.2

COPY

DESCRIPTION OF EXISTING SITE: vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed one-family house, in R-4 Zone with sewer only does not meet minimum lot size of 21,790 sq. ft.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 7-C Bulk Tables

MIN LOT AREA:

21,790 sq.ft.

20,000 sq.ft.

1,790 sq.ft.

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

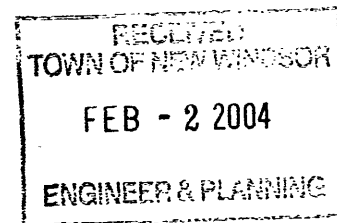
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



04-29 : 04-10





3405 Rev. 00

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

JAN 1 9

FOR OFFICE USE ONLY:
Building Permit # 2004-48

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises STRATTON HOME

Address P.O. Box 522 Phone # 910-220

Mailing Address VALE GATE RD 12589 Fax # _____

Name of Architect Design Group

Address CENTRAL VALLEY Phone 928-2288

Name of Contractor STRATTON HOME

Address _____

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the SKAMWIR ST ^{Drive} side of _____
(N,S,E or W)
and _____ feet from the intersection of RT. 99

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 63 Block 4 Lot 9.10.11.12 9.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy VA. A-1/2nd b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front 60 Rear _____ Depth 30 Height _____ No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____

Number of bedrooms 2 Baths 1 1/2 Toilets _____ Heating Plant: Gas _____ Oil ✓

Electric/Hot Air _____ Hot Water ✓ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

Lot 12 - S.D.# 23

PAID

Cash \$ 50 -

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

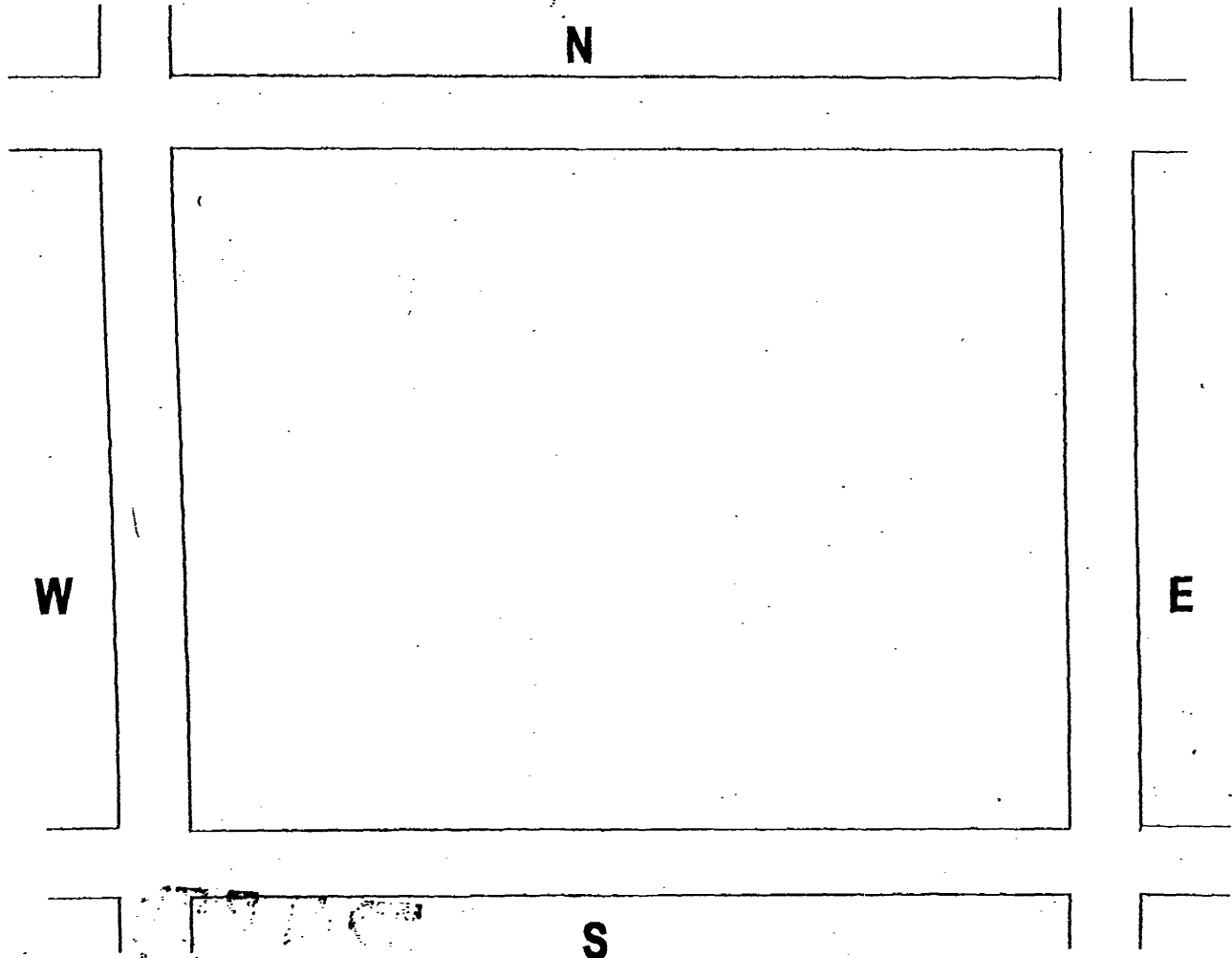
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

OFFICE OF THE ZONING BOARD OF APPEALS

September 21, 2004

Strategic Homes, LLC
P.O. Box 522
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #04-29

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 63-4-9.2

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

STRATEGIC HOMES

AREA

CASE #04-29

WHEREAS, Jerry Sabini representing John Taldone, owner(s) of 346 Sycamore Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive in an R-4 Zone (63-4-9.2)

WHEREAS, a public hearing was held on June 14, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were seven spectators appearing at the public hearing; and

WHEREAS, one spectator spoke in favor of and six spectators spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing denying the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The property will be served by a well. Evidence presented by the objectors indicated that the well would adversely impact the neighborhood.

- (c) This property was the subject of a previous application, however, a larger home was proposed to be built on this property.
- (d) The home proposed to be built on the property would contain four (4) bedrooms and 2 1/2 bathrooms.
- (e) The property is served by municipal sewer but, not municipal water.
- (f) There is a water problem in the Beaver Dam area where this house is proposed to be built. The houses are located close together and the ground water has been depleted over the years, according to a well driller (Michael Frey) on behalf of the objectors.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties in that it will deplete an already heavily burdened area ground water supply.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations and are not warranted.
4. The requested variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district in that the variance, if granted, would cause the ground water table in the area supplying well water to the neighboring properties to be depleted, thereby resulting in harm to the owners of the neighboring properties.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created and should not be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, does not outweigh the detriment to the health, safety and welfare of the neighborhood or community for the reasons previously stated.
7. The requested variance(s) are/is not appropriate and are/is not the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will not be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY a request for a 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive in an R-4 Zone (63-4-9.2) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 14, 2004

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 08-9-04
SUBJECT: ESCROW REFUND - 04-29

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 87.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-29

NAME & ADDRESS:

**Strategic Homes, LLC
P.O. Box 522
Vails Gate, NY 12584**

THANK YOU,

MYRA

L.R.08-09-04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-29 TYPE: AREA

APPLICANT Name & Address:

Strategic Homes, LLC

P.O. Box 522

Vails Gate, NY 12584

TELEPHONE: 561-0220

RESIDENTIAL:	\$ 50.00	CHECK # <u>1828</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1827

~~~~~

| <u>DISBURSEMENTS:</u>        |                 | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|-----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES  | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES      | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>2</u> PAGES  | \$ <u>11.00</u>                        | \$ _____                      |
| PUBLIC HEARING:              | <u>20</u> PAGES | \$ <u>110.00</u>                       | \$ <u>35.00</u>               |

TOTAL:            \$ 143.00            \$ 70.00

~~~~~

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>213.00</u>

AMOUNT DUE: \$ _____

REFUND DUE: \$ 87.00

Cc:

L.R. 08-09-04

STRATEGIC HOMES (04-29)

Mr. Jerry Sabini appeared before the board for this proposal.

MR. KANE: Request for 1,790 sq. ft. lot area for proposed single family dwelling on Sycamore Drive in an R-4 zone.

MR. SABINI: Jerry Sabini, Strategic Homes, I'm asking for 1,790 square feet.

MR. KANE: Give me one second. Mike, would you do the honors with the names on the pad please? Okay, sir?

MR. SABINI: I'm Jerry Sabini, Strategic Homes requesting 1,790 square feet of space we need which is like 2 percent. The original plan showed the single family home with an attached garage and then I knocked the garage off and put the garage underneath the house so it's half basement, half garage, made the house smaller.

MR. KANE: What's the house size now?

MR. SABINI: 2,300 square feet house, total square footage.

MR. KANE: That's before you take it off?

MR. SABINI: 2,300 but the garage was attached 22 x 20 so I chopped it off and put it underneath to make the house smaller cause it was feedback that the house was too big for the area.

MR. BABCOCK: Mr. Chairman, when he says 2,300 square feet, that's what you call livable floor area.

MR. SABINI: Correct.

MR. KRIEGER: What are the outside dimensions of the building?

MR. BABCOCK: That's got, we calculate our building permit fees based on square footage, so when somebody is coming here and they say 2,300 and you condition the variance on 2,300, when I do the calculation, it's going to be 5,000, you know, when I, cause I do the garage floor area, I do the deck area, I do everything so I don't want you to get locked into what they'll say 3,200 square feet so I think you should just do outside dimensions of the house.

MR. SABINI: The box is 38 in the front by 30 deep, that's the footprint, 38 x 30, it's 4 bedrooms, 2 1/2 bathrooms, my well driller couldn't make it but he wrote me a letter, do you want me to read it for the record? His name is Terry Kendrick with Kendrick Well Drilling, says to Whom it May Concern: I have been drilling water wells for 25 years in Orange County and my experience is drilling these wells I found that drilling a new well does not deplete existing wells around, the wells produce more than is needed for one family home. To my knowledge, I never caused any other well to stop producing water so the drying up or reducing water production of surrounding water wells should not be a concern. Terry Kendrick.

MR. KANE: We'll enter that into the record.

MR. SABINI: I built houses on Toleman that are bigger than this and 4 bedroom, 2 1/2 baths and I sold it to a single guy like who's hardly ever at the house, so it's tough to say how much water consumption is going to be used.

MR. KANE: You can't gear that though to use or highest--

MR. SABINI: This isn't a, I'm speaking, this house,

you know, or a couple that's married that has no kids could buy this house.

MR. KANE: But you have to base it on 4 bedrooms, 2 1/2 baths being used.

MR. SABINI: Right. I'm only asking for under 1,800 square feet of lot area which is like 2 percent, it's not a big area we're talking about and this is Nick Taldone, his parents own the building lot that I'm buying subject to getting the variance.

MR. TALDONE: Yeah, Nicholas Taldone, my parents, I live in Tampa, Florida, my parents live in Las Vegas, they're, my mom and dad are respectively 78 and 79, not in good health, so they have asked me to appear here tonight, if they were here, they'd tell you the following. I took a ride just before the meeting, first of all, I just met Mr. Sabini tonight, I'm not in the building trade or anything, I just took a ride up to the area and I, just eyeballing, I noticed the following. Number 1, it's not the biggest home what he has proposed is not going to be the biggest home in the neighborhood. Number 2, I noticed a lot of other homes where that had built extensions on so this to me cause I know when I was a kid, came up to this area, my parents were thinking of having a second house up here, we grew up in the Bronx, never happened, but I can tell you 40 years ago it was a bungalow community up by the lake there and people had their second homes up there. Now, it's an all year round place, just from, again, I'm eyeballing, I'm not, I don't live in the area and I can just tell you from taking a ride up there, the variance that Mr. Sabini is seeking is a minimal variance. I think it's less than 2 percent of the total square feet of the property. My parents didn't walk in this situation in 1966 when they bought the property, they didn't create any of this, that's why we're here tonight. When they bought, as I understand it, when they bought the property in 1966 this house

could have been built on it, okay, so my parents didn't create the need for the variance, they simply bought the property in 1966 paying taxes on it since 1966.

MR. SABINI: I think you could have built four single family homes in 1966 on this lot, couldn't you, isn't that true?

MR. KANE: Excuse me, if there's going to be any interruptions, I will clear the room. We have been through this before, you're not going to speak out. You'll get your chance to speak but we're not going to interrupt, it's not high school. Okay? Thank you.

MR. SABINI: In 1966, couldn't you build four single family homes at one point in time cause they were 25 foot? Do you have a copy of that site plan that shows 25 foot wide?

MR. BABCOCK: They are four 25 feet lots together.

MR. SABINI: It's got municipal sewer, that's why the lot's good because we don't need the septic area. At one point in time, I think four homes could have been built there so there would have been four wells.

MR. RIVERA: What size homes?

MR. SABINI: Well, still would have been four wells even if the homes were a lot smaller, still had two, you know, husband, wife, two kids, water consumption you can see, I don't know if you're familiar with it?

MR. TALDONE: I just have a couple other comments. My parents told me before they moved from the Bronx to Las Vegas around '99-2000 time period they sent some letters to whatever the numbers were for adjoining land owners offering to sell their property, they didn't get any response in that period of time. I haven't heard from what I understand from the last time, again, I

wasn't present, I haven't heard any alternatives being offered by any of the objecting neighborhood individuals. My understanding is that the board has granted variances for substandard lots before in the Beaver Dam Lake area. Anything is possible, seems to me the objection here has to do with theoretical harm. And I would submit to the board that anything is possible, tonight we could have a storm and lightening could strike a very tall, I know there's some tall trees on my parents' property, lightening can strike a tall tree and it could fall on one of the neighbor's houses and damage the property. Anything is possible. What seems to be to me the board needs evidence of certainty before they should deny a variance on the grounds that there may be some theoretical harm to the wells of the neighbors. Thank you very much.

MR. KANE: Thank you, sir.

MR. SABINI: Also, I believe, I think in 2003 there was 26,000 homes built in Orange County and I think 15,000 of those homes or I think 5 or 10,000 of those homes were built out over the water district, so wells are being drilled all over Orange County.

MR. KANE: Okay.

MR. SABINI: Thank you.

MR. REIS: Just for the record, I'd like to recuse myself from this process from the vote but that allows me to speak, right, Andy, I can speak but I can't vote on it or not?

MR. KRIEGER: Better that you don't.

MR. REIS: Okay, no problem.

MR. RIVERA: I would like to disclose that I am affiliated with Reis Realtors, I am in no way connected

to this transaction and gain no monetary value.

MR. KANE: You feel you can vote on it?

MR. RIVERA: I can be objective.

MR. KANE: At this point, I'm going to be fair, I'm going to open it up again to the public, short statements, please, do not repeat yourself. I don't want repetitions here for an hour. Say what you have to say, present any facts that you have to and please speak clearly, give your name and address so the stenographer can pick it up. Who wants to speak first?

MS. QUARTUCCIO: My name is Debra Quartuccio, I live at 340 Chestnut Avenue. I have, I don't know if you would take this, it's a letter from one of the neighbors, her name is Emily Corozza, she lives at 314 Chestnut Avenue, she came to the other two meetings, she couldn't make it tonight cause her husband's ill, she wrote you a note.

MR. KANE: I'll read that when you're done.

MS. QUARTUCCIO: I just have a few key points. Yes, the Taldones have owned property for 38 years, in the 38 years that they have owned it, they have never sought to build on this property, they have never taken any steps to build on it. In 1966, the zoning laws stated that you need 15,000 square foot minimal property because there was well and septic on the property. Throughout the years, the zoning laws have changed but the lot's never conformed until last year and still even last year when they joined the lots together they still don't conform to build a house or whatever it is, you know, to put on it. And the zoning also they'll be even further away come October because the zoning law is changing to an acre. They don't intend to live there, it's purely for profit, they're going to get this variance so then they're going to

sell it to Strategic Homes and then he's going to flip it, you know, to somebody else. Now, we live there and we know what the water problems is, the Taldones don't know what the water problem is. They never suffered the water problem, had they built a house in 1966, maybe they would be a little more sympathetic to the situation out there right now but we don't expect them to know what the situation is cause they haven't lived it. In my house, we practice water conservation, we had a few people over last Sunday and I have to shut my pump off because I ran out of water and that's just with a few people. Now, if I have to act like the water police in my house and the quality of my life is dropped, I mean, I'm used to it but, and I live there so I'm not going to go away and like I said, I have my husband and my kids are used to it, you can't do more than two loads of laundry I can't do a day, I'm used to the pattern I have to live, it might have to change when they live there. Yes, it is speculation but I can see it changing because I've seen over the years that my water changed when I first moved in, I could do whatever I wanted to do I could do, didn't have to worry about losing water. The first time I lost my water, I had no idea what was going on. I feel this is a self-created hardship for them and I feel that it would have an adverse impact on current or existing homes in the area that you see enough people are speaking out about it cause we all feel the impact on it and I hope because of the timing in October that you guys don't feel pressure to give them a variance. And there was one other thing.

MR. KANE: We're not elected.

MS. QUARTUCCIO: No cause you're elected officials and you're--

MR. KANE: We get no pressure from anybody.

MS. QUARTUCCIO: You're elected officials and you're

supposed to be watching out for our quality of life of the Town of New Windsor residents and they have no idea what our quality of life, how it's going to be affected and it will be affected and we do have somebody, an expert here who will submit some information on that too.

MR. KANE: Thank you. Next?

MR. FREY: Hi, Mike Frey, Hudson Valley Drilling, we have drilled wells in the area for a long time. There is a water problem in Beaver Dam and the problem is the houses are too close together and the ground water has been depleted over the years. Typically, every year we deepen a couple of wells whoever in the neighborhood has the shallowest well we make it deeper. So most of the problems that we have until now we have been able to solve by deepening the wells but anybody has their well deepened it's a tremendous expense. So there is a big hardship involved. I don't know if building one more house will make a big difference. The idea is a four bedroom house that seems extreme, if this whole case is all about water then I'd like to say that the board members should sit down with professionals in the industry, ground water hydrologists have a meeting and discuss it, surveys and so forth can be done to really monitor the situation, but basically we're taking too much water out of the ground. I would recommend that one particular area of Beaver Dam there's an area in Monroe where we have a similar problem, not every well driller knows about that. As a professional I'd recommend to discourage building, any further building in the Beaver Dam area and recommend water rationing for all the residents, I don't know, on a voluntary basis or tax deduction or something, maybe the problem will kind of go away, we don't know that without an in-depth study, but the hardship that these people feel it's real and if you have your well deepened, you're going to see that it's very expensive. The water out there, because we have sewers there and also like the

runoff from your roofs and all the blacktop and the storm drains, they all take water away from the area, it all runs down into the sewer plant instead of soaking into the ground so a natural recharge is a situation where the rain water leeches into the ground, replenishes the underground aquifer so when you build a lot of houses and put up blacktop, swimming pools and everything that collects water and runs it down to the sewer plant, that's taking water away from the area so everything in Beaver Dam, we have houses very close so we don't get a lot of natural recharge and that's how that works. It's interesting for geologists, it's a real interesting area, we can talk about this for hours, there's a big lake and it's full of water but underneath the lake there's clay dirt and water doesn't percolate through the clay dirt very fast so very interesting actually we drilled a hole in the lake to try and drain it, it would fill up everybody's wells. One of my ideas from a long while ago we should have ejection wells where we actually pump water out of the lake through a filtration plant, pump it into the ground but that's a situation when I discussed that with our professionals they're like no, the aquifer is not conducive to that, this would not work, that would not work. But there's a lot of science to this whole thing, if you talk about pipe line water, you're talking about millions of dollars. These people have, the people deepened theirs past 500 feet, it's a tremendous expense, but doesn't compare what it costs to put in pipe line water. So where do I stand? I sympathize with both sides but there's a real problem and aside from this particular case, the Town should still sit down and discuss it at some point and have a plan.

MR. KANE: Thank you.

MS. DRYER: My name is Tammy Dryer, I live at 336 Sycamore Drive. I want to let you know I talked to Mr. Taldone personally on the phone and my take was that

this is all monetary to him and his parents, they never lived here, they don't want to live here, they don't care about the community that I have lived in for 31 years, that's not even crossed their mind and that's just from my conversation with him. Zoning laws are made for a reason and they are to protect your current residents, like I said, most of us have been in the area for long, long time, I have never left New Windsor, born and bred here. I am not going anywhere. I live in this community, love it, but there's a water problem and I won't go into it, you know it. So those zoning laws are made to protect me. I'm here, I own. Let's say our town water was in a crisis, the water supply that you give to people who have town water, there was some type of crisis, would you be giving out new construction permits? We're in that crisis every day, we live it every day. I don't have the luxury of having town water. And as of now, they have no experts that have given any real evidence that it is not going to affect us, that we're not going to have to drill deeper, not going to have to spend thousands of dollars. If they can guarantee that it's not going to cost me to drill deeper, I'll walk out of the room but it is going to cost me a lot of money. And being a single income in a very expensive market right now, it's difficult, extremely difficult and this isn't a deck or something to that effect where it's not going to affect the people around, it's a well and it's going to affect us. With two and a half baths, this is a lot of water.

MR. KANE: Thank you. Next?

MR. KASELLO: Eugene Kasello, 344 Chestnut. All I know is when I moved in, we had Joe Congelossi, and they checked my static water level at that time was about 100 feet down, since they put five homes in, I'm down 60 feet more just with the five homes so it did affect actually the water level where I live.

MR. KANE: Thank you.

MR. SOTO: Audie Soto, I live at 350 Sycamore Drive. I'm sure this gentleman met Mr. Grove back in the days, I bought his house just basically Mr. Grove before he did sell the house he did request to purchase the property from this gentleman or the family of this gentleman, he did send a return receipt which I acknowledge that they did send a letter, I never got a letter requesting to buy it, that's something I guess me and Tammy would have probably got together and buy for the water purpose. I had trouble with my well a year ago, it's, I think there's something that I think that building a house and I don't know anybody who would buy a four bedroom house and not have kids or at least plan to have kids and two bathrooms and a half, that's a lot and we conserve water as well in my household and I took a hit the last time for my well, it's going to be tough and I'm also a one income person and I just, I think if we're having a problem with the well, I think maybe there's something that the Town of New Windsor should look into maybe piping water in or something, we're really hurting. That's pretty much it.

MR. MANNINA: Dominick Mannina (phonetic), 362 Chestnut Avenue. I have lived there now for just going on 18 years, close to 19 years. When I bought my house, my house was, I had my well was 205 feet deep. I am now 500 feet deep, had to change my well and all the piping to my house cause my water was stopping every week, I was having no water at all, so I went down 500 feet, I went for the expense myself. Since living there I see houses being built, a house will be built right down the road three houses away, the guy's well is going dry after that house is built, I've seen them have to come in and re-dig their wells and I have seen that in that whole neighborhood since I'm living there for 18 years, okay, and you probably check back and check with the people in the area and you'll find the same thing every

time a house goes up, somebody's well goes dry.

MR. DRYER: Okay, good evening, I'm Darryl Dryer from Silver, Forrester, Schissano, Lesser & Dreyer, 3250 Route 9W, I'm an attorney appearing on behalf of Tammy Dryer at this point in time, I'm sure my comments will be relevant for the other residents of the area. Just a few things I want to comment on the collective thoughts of the residents and also few other items I did notice that you have, Mr. Chairman, accepted a copy of a letter from the builder, from a well driller. Your Honor, Mr. Chairman, I would respectfully submit that that constitutes rank hearsay. There is absolutely no way to test that statement. There is no way for an attorney to come in and challenge that statement. There is no way for me to cross examine that person on his thoughts. I can't examine the author of that document to ask him what tests he's done in the area, what anecdotal evidence he has, how many wells he's drilled in the area, how many wells he's had to deepen. I would submit that you, Mr. Chairman, and the rest of the committee should completely disregard any statements contained within that document or should give it its due weight which would be I respectfully submit little to no weight as there is no way to challenge, and I believe Mr. Krieger would agree that that in any court of law would be substantial hearsay because we're unable to challenge. The building also raises an issue about evidence of certainty that the homeowners are not coming to you with evidence that somehow that house will affect their water supply. Well, I respectfully submit that the burden should be theirs to come in and prove since they're asking for the variance, since they're asking not for a 2 percent, a 10%, if you do the math, it's almost 10%, they have a 20,000 square foot lot, they're asking for almost an 1,800 square foot variance, that's almost to the penny 9%, it's not 2% or less than 2%, it's quite a substantial amount. And their repeated reference to 2% I respectfully submit is improper because it's closer

to 9%, if you do the math. But the evidence of certainty should not be the homeowners' burden, it should be the burden to the builder to show you, show that their lot with 4 bedrooms and 2 1/2 baths is not going to affect the neighborhood. And on the flip side of all this, there's no evidence from any geological experts from the homeowners, you've heard plenty of anecdotal evidence from the members of the community, from the guy who just stood up and said his water supply went from 100 feet deep to 160 feet deep after five homes went in the area, that's significant, that's 12 feet per home deep. You've heard other residents say they had to go from 250 to 500, the anecdotal evidence is very significant, I would respectfully submit. There's one other comment I heard that I'd like to point out this is a self-created hardship, I do feel for these people, I'm sorry Mr. Taldone, they have owned the property since 1966, they have had many years to improve the land, they have had many years to sell it when it met code, they have had many years to improve the land or to move up here or to build a home and at this point in time, the only reason that they want to ask this committee and this board for a variance is so they can sell it, the proof of that is they brought in the builder, the building is here for the variance, not the homeowners, it's the builder's variance, it's the builder's plans, they have no reason to want to ask this board for relief of being 9% of being significantly small other than money, that's a money issue to them. And if the board is going to consider that it is a money issue to them, this is, that's the only issue, it's a money issue to every person sitting in this room also who are residents of this Town and it's a significant money issue and whatever money the Taldones stand to lost, if you don't grant the variance, the people who sit on this side of the room stand to lose collectively a lot more for every single person who is going to have to drill a well deeper. And so the, if this comes down to a straight money issue, the people on this side of the

room have a lot more to lose than the Taldones. Their land is still worth something, they can market it in some way. Mr. Taldone, the gentleman who appears here said that the residents have proposed no alternatives, it's not the burden of the residents to propose the alternatives, they built their houses when they did meet the code and the building code is going up in a few short months to double so instead of this 2% that they're claiming which is really 9% in a short period of time, it's going to be 60, 70% they're going to be asking for or more. This isn't about sympathy, somebody said I'm sympathetic to both sides, this isn't about that, it's about the rule of law, there are zoning laws for a reason and the reason is to protect the people who already live and have paid good money for the homes in their area and if the land cannot accept another home, then this board should not approve another home going on a lot that does not conform. Thank you.

MR. KANE: Thank you. We have been here, before it gets repetitious.

MS. ARENA: Debbie Arena, I live at 354 Chestnut and I've had a well problem, it did cost me money and I owned the property two years before I built on it and I had to meet all the codes and laws in order for me to put my house there. So I don't know why it changes for somebody else just cause they are, and because we're still all having well problems, you have to realize where they're building that towards the top of the Chestnut hill that's towards the top, it's not on the bottom where like the well guy said the water will replenish, it's all running downhill, our water all into the sewers so we're really not replenishing our water supply at all because it's on the top of the hill, not on the bottom where all the little summer homes were, the bungalows were, they have the town water, we're at the top. So I think that's one of the reasons why our water supply is being depleted also

and, you know, if it's different areas around the lake, not that the same level up on the lake, you know, I'm sure the table of water is different but we're on the top and because we're there it doesn't matter, you're at the top, it's both sides of the lake, both sides of the lake, Mecca Park there really isn't a problem and over near Route 94 there really isn't a problem, but right in the middle on the Salisbury Mills side of the lake, Valley View Drive, up in there those people they deepen their wells and on the other side of the lake where Chestnut heads up to the Town park it's that area, it's one little area all in between there, it doesn't matter if you're at the top of the hill or the bottom, there's or over 100 feet of dirt that the water has to traverse but there's a distinguished area that has a problem.

MR. KANE: Thank you.

MR. TALDONE: May I respond?

MR. KANE: Yes.

MR. TALDONE: To make one thing clear, it is about money, it's about money, theoretical money to them, speculative money to them, it's about real money to my parents. I did, my parents did save the letter from 1986, there was a letter in 1986 and believe it, or not 19, in the 1980s my parents were thinking of retiring up here, they chose not to, they wrote letters and 15 years later, they didn't get any response. I'm an attorney also, I didn't want, you know, to what extent you folks wanted to get into legalities, but if you want to talk about legalities, you don't have any hard evidence before you on either side, you don't, it's total, but one thing you have is certainty on this side and speculation on that side. The statute changed, used to be prior to the early '90s the law in New York changed, I'm admitted in New York as well as three other states, but the law in New York changed prior to

the early '90s, I'm not telling you anything you don't know but burden of proof was all over the place prior to the 1990's state statute now says you consider, weigh the benefit to the applicant against the detriment to the objectors and then consider all the factors that we have gone over, doesn't talk about a burden of proof, but we have established that it's a minimal variance, whether it's 2% or 9%, it's still a minimal variance. You folks just gave a variance that was much much stronger, substantial variance a minute ago. And I've heard now various stories and I'd like to hear from you folks, I think, still think when my parents, maybe this gentleman can establish it when my parents bought the place in 1966, they could have built the home that's proposed by the builder right now, is that true or not true? I'm asking this gentleman, not you.

MR. BABCOCK: As far as the home, there's no issue with the home, the size of the home, even with the garage on it before, he took the garage off, meets the setbacks for that lot.

MR. TALDONE: Could it have been built in 1966?

MR. BABCOCK: As far as the home, yes, I mean, as far as lot areas, you're asking me, I really don't know that.

MR. TALDONE: So there's no proof one way or the other, you don't know if the zoning law's changed since 1966?

MR. BABCOCK: Yeah, definitely.

MR. TALDONE: In the direction of requiring a larger lot size?

MR. BABCOCK: That's correct.

MR. TALDONE: So the board can take an inference then

that the laws have changed over the years, always in the direction of requiring a larger lot size. Again, I don't believe my parents went into this thing self-creating it, certainly in 1966, there has been no evidence now and rather there's an inference that it is not, that the inference should be that my parents did not create this need for a variance back in 1966 and certainly we haven't heard anything to the contrary. They were thinking about retiring here, they didn't choose to retire here, haven't heard any alternatives to this except to leave the land as it is, which is no alternative as far as I don't believe that that's the way that the zoning laws were designed to work. Thank you.

MR. KANE: I will let you speak.

MR. QUARTUCCIO: James Quartuccio, 340 Chestnut Avenue. These are the zoning laws back in 1966 and 1970, I believe also and those lots never conformed to the building specs so they would have needed a variance for each lot, they didn't conform until they were put together and they don't conform now according to the lot, so you guys can make copies of this if you need to.

MR. KANE: They don't conform to the size that he's trying to build right now, if they went with a smaller home, they can build it.

MR. QUARTUCCIO: In 1965 and 1970 they didn't conform.

MR. KANE: Honestly not conformed, whether they conformed in 1966, it has no bearing on today's decision.

MR. DREYER: May I be heard?

MR. KANE: No, we're done.

MR. DREYER: You allowed him.

MR. KANE: We're not a court of law, we're not going to debate lawyers going back and forth, I'm sure you both have your opinions.

MR. DREYER: I want to respond to his argument, I don't want to give an opinion, two brief points.

MR. KANE: One response from you, that's it, then we're done. We've done this three times people, we keep saying the same thing.

MR. DREYER: I'll be extremely brief. Number one, the harm--

MR. KANE: Let me put it this way, after you're done speaking, the public portion of the hearing is closed. Thank you.

MR. DREYER: Number 1, the residents on this side are not proposing that they have speculative harm, Mr. Taldone keeps making reference to the harm being speculative over here, it's clearly not speculative, their wells will be affected, they will be substantially harmed with substantial cost to deepen their wells. And number 2, their reference to the fact that you just gave a variance to somebody else for a larger request should have absolutely no bearing on this request because the situations are completely different.

MR. KANE: Every variance is taken on its own merit, there are no precedents set with any decision that we make.

MR. DREYER: Thank you.

MR. KANE: You're welcome. Public portion is closed and back to the board. Any other questions?

MR. RIVERA: I don't know, is there a possibility of a happy medium here where the individuals are concerned about the wells, perhaps purchase, I don't know, purchase the property to be sold?

MR. KANE: I'm not sure that's anything that we can consider talking about at this point right here, that's something dependent on how the decisions that they can talk outside of this particular room. Any questions?

MR. MC DONALD: No, I'm still thinking. I don't, you know, I feel right now as a vote I can't in all honesty vote either way, I can't say yea and I can't say nay. I can see both sides of it and I'm looking at it objectively, yes, they may lose water, he's going to, they're going to lose money, they've had this property for a long time and they should have the right to sell it when they want to sell it. That's my opinion. You can't guarantee that you're going to lose, you have lot water, but this is a thing, I don't think the zoning board is involved in, this is a town problem, if they're losing water up there, I think the Town should get involved in it and solve some kind of a problem, they're going to have water, there's got to be a medium somewhere, I don't think we're going to solve this problem, end up with people that are going to be unhappy either way we do it. And couple of statements that were made over there, ground water, you made the statement about the ground water being down the sewer treatment plant, doesn't go there, ground water is not treated at the sewage treatment plant, we don't spend that kind of money in New Windsor processing rain water. That's not a valid point on my part. The part of it regenerating the water table, you as a group and they, these two and myself, anybody on this board can't guarantee that your water table is going to, you can have a torrential downpour tonight, probably won't have any affect on your water table at all. So it's, this is where I'm at, I just don't, I can see both sides of

it, I can sympathize, I wouldn't want a 500 feet well, but there's no guarantee and nothing, he says that if he builds this house, you're going to have to put a 500 foot well, you haven't proven that to me.

MR. KANE: I have a letter to the Zoning Board of Appeals, Town of New Windsor from Cocozza. "Dear Sirs: I regret that I am unable to attend the meeting tonight in regards to the property within 500 feet of my home. At a previous meeting, I stated my objections to new homes in this area. My reason was that three years ago, I had to replace my well at a total cost over \$11,000. Five neighbors on the other side of the road also lost their well water within the same week. That is a serious problem and should not be disregarded. Yours Truly, Emily Cocozza." And we entered that into the record. Okay, gentlemen, ready or not, its decision time. Can I have a motion? Mike is recused.

MR. MC DONALD: Motions have to be in the affirmative?

MR. KANE: That's correct.

MR. MC DONALD: Make a motion that we grant the Strategic Home's request for their variance.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	NO
MR. MC DONALD	NO
MR. KANE	NO

STRATEGIC HOMES (04-29)

MR. Jerry Sabini appeared before the board for this proposal.

MR. KANE: We've got a little bit of bad news. The problem is there's three of us instead of five, we need three to be able to vote. Michael has to recuse himself which means that we'll need to postpone this hearing until the next zoning board meeting.

MR. SABINI: When is that going to be?

MR. KANE: That will be the second Monday in July.

MR. SABINI: That's as soon as we can do it?

MR. KANE: Don't have enough voting members, there's only two, you need at least three so with three even if you pass two to one, you don't pass.

MR. SABINI: What do I have to do?

MR. KANE: You don't need to do anything. I'm going to talk to Myra, let her know, we'll get it on the schedule.

MR. SABINI: July 2nd, but that's not the July 4th weekend, you're definitely going to have a meeting?

MR. KANE: Let me look at a calendar, see, Myra the secretary is the boss, we don't--

MR. SABINI: I understand, I know it's a busy weekend, everyone takes off.

MR. KANE: No, that's the first Monday, the 5th, so we're meeting, the first meeting that month will actually be the 12th.

MR. SABINI: Not until July 12th?

MR. KANE: The first is on a Thursday which means Monday the 5th is the first Monday of the--no.

MR. BABCOCK: Mr. Chairman, you're in July, we should be back in June.

MR. BABCOCK: Should be June 7th, June 14th.

MR. BABCOCK: Mr. Chairman, let me ask you a question, does this have to be readvertised or are you going to table it or how do we handle this?

MR. KRIEGER: No, it doesn't have to be readvertised.

MR. BABCOCK: We're letting the public that's here tonight know that that's the date?

MR. SABINI: Can I ask a question? On June 14th, I come before you then we have another meeting after that or is that going to be decision night?

MR. KANE: That's drop dead yes or no, it will happen on June 14th.

MR. SABINI: Thank you for your time.

Received at 6/14/04 meeting.



E. Coccozza
Beaver Dam Lake
314 Chestnut Ave.
New Windsor, NY 12553

6/14/04

Zoning Board of Appeals
Town of New Windsor

Dear Sirs:

Regret that I am unable to attend the meeting tonight in regards to the property within 500 feet of my home.

At a previous meeting I stated my objection to new homes in this area. My reason was that three years ago, I had to replace my well at a total cost of \$11,000.

Five neighbors on the other side of the road also lost their well water within the same week.

This is a serious problem and should not be disregarded.

Yours truly,
Emily Coccozza

TOWN OF NEW WINDSOR ZONING BOARD
PUBLIC HEARING FOR:

Strategic Homes

DATE: ~~5-24-04~~ 6-14-04

SIGN-IN SHEET

NAME	ADDRESS
1. JAMES QUARTUCCIO	340 CHESTNUT AVE
2. Michael Fry	RT 94 SALSBURY MILLS
3. Tamara L Drepper	3316 SYCAMORE ST.
4. Debra Quattuccio	340 Chestnut Ave.
5. Jim M...	362 Chestnut Ave.
6. AUDIE SOTO	350 SYCAMORE DR.
7. Debra Anne	354 Chestnut Ave
8. Dorothy Kasello	344 Chestnut Avenue
9. Eugene Kasello	344 Chestnut Ave
10.	
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RESULTS OF ZBA MEETING OF:

June 14, 2004

PROJECT:

Strategic Homes

ZBA #

04-29

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N PUBLIC HEARING: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N NEGATIVE DEC: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N APPROVED: M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S) VOTE: A N RIVERA MCDONALD REIS MINUTA KANE CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) MC S) RV VOTE: A 0 N 3.RIVERA MC DONALD REIS MINUTA KANE N
N
Recused himself
NCARRIED: Y N ✓.2,300 s.f. Livable floor area 38' x 30'
4 bedrooms 2 1/2 bathsMike Kane read letter from E. Cocassa into
the minutes



RESULTS OF Z.B.A. MEETING OF:

May 29, 2004 - TABLE TO
8-14-04
ZBA # 04-29
P.B.#

PROJECT: Strategic Homes

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N

TABLE TO JUNE 14 2004



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

June 4, 2004

Strategic Homes, LLC
P.O. Box 522
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #04-29

Dear Sir:

This is just to remind you that your Public Hearing Continuation before the Zoning Board of Appeals for your requested variance at:

Sycamore Drive
New Windsor, NY

is scheduled for the June 14th, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

April 26, 2004

10

STRATEGIC HOMES

MR. REIS: Strategic Homes our third one, I don't see anybody here for that.

STRATEGIC HOMES (04-29)

MR. REIS: On behalf of Strategic Homes, I presented this two weeks ago, Len, you weren't here and it was denied, I think the main issue was the fact that the water we asked them to go back and give us something to work with. And the other objection was the size of the building. So he's proposing a smaller home, he's asking for a variance for 1,790 square feet lot area for a single family dwelling on Sycamore Drive. This is now a vacant lot, Len, okay. It's a lightly wooded lot for single family home. He's short again 1,790 square feet. This is basically a half acre lot, just short of a half acre so he needs to go in front of a public hearing again with his new request that's what's allowing him to do this within such a short period of time.

MR. MINUTA: This is a new request?

MR. REIS: It's a new request for a smaller building.

MR. BABCOCK: And some better information for the board in reference to the water.

MR. REIS: Eliminated a 24 x 20.

MR. BABCOCK: 24 x 30.

MR. REIS: 24 x 30 structure actually from the house.

MR. BABCOCK: He's going to put the garage underneath instead of alongside and he's, the board was concerned or the public was concerned more about water than anything.

MR. REIS: That was their main objection.

MR. BABCOCK: We have asked the applicant to get some, a consultant of some type that would know and be able

to give some answers to the board whether he brings a consultant with him or not, he may have just talked to one, I'm not sure and try to answer some of the board's and the public concern as far as if they drill a well what would happen to the neighboring wells and so on and so forth.

MR. MINUTA: And he's bringing that forth for the meeting?

MR. BABCOCK: Yes.

MR. MC DONALD: In other words, we're considering setting him up for a public hearing?

MR. BABCOCK: That's all you're doing tonight.

MR. MC DONALD: I'm familiar with the meeting, I read through the minutes of the previous meeting so I have no objections.

MR. BABCOCK: Tonight all we're doing is setting up for a public hearing, he will have to bring all the information forward during the public hearing.

MR. MC DONALD: I thoroughly read the minutes, the minutes were pretty concise, I would have no problem in setting him up. Make a motion that we set Strategic Homes up for a public hearing for the request of 1,790 square foot lot area for their proposed single family dwelling on Sycamore Drive.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	ABSTAIN
MR. MC DONALD	AYE
MR. MINUTA	AYE

April 26, 2004

47

MR. REIS: I'm recusing myself on the vote, I'm working with this man on this particular site so I'll be gaining financial if this is successful.

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

STRATEGIC HOMES

AFFIDAVIT OF
SERVICE
BY MAIL

#04-29

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 5TH day of MAY, 2004, I compared the 31 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

11th day of May, 2004

J. F. P. (Gallagher)
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-29

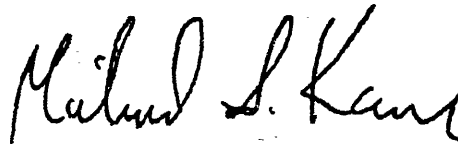
Request of STRATEGIC HOMES, INC.

for a VARIANCE of the Zoning Local Law to Permit:

Request for 1,790 sq. ft. Lot Area for proposed single-family dwelling on Sycamore Drive, New Windsor, NY in an R-4 Zone (63-4-9.2)

known and designated as tax map Section 63 Block 4 Lot 9.2

PUBLIC HEARING will take place on may 24, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

May 11, 2004

Strategic Homes, LLC
P.O. Box 522
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE # 04-29

Dear Mr. Sabini:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Sycamore Drive
New Windsor, NY

is scheduled for the May 24th, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

63-2-1.11
Ernest & Diane Saporito
332 Hickory Avenue
New Windsor, NY 12553

63-2-1.122
Ruth Hedenkamp
333 Chestnut Avenue
New Windsor, NY 12553

63-2-1.2
Jim & Theresa Eggers
317 Chestnut Avenue
New Windsor, NY 12553

63-2-1.3
Gerald & Mary Louise Corbett
329 Chestnut Avenue
New Windsor, NY 12553

63-2-1.4
Margaret De Simone
325 Chestnut Avenue
New Windsor, NY 12553

63-2-1.5
Raymond & Nancy Makofske
328 Hickory Avenue
New Windsor, NY 12553

63-2-1.6
John & Maureen Albarino
326 Hickory Avenue
New Windsor, NY 12553

63-2-3
Michael & Dorene McCann
321 Chestnut Avenue
New Windsor, NY 12553

63-2-4
Keith & Sandra Gise
338 Hickory Avenue
New Windsor, NY 12553

63-3-1
Richard & Gail Gorglione
331 Sycamore Drive
New Windsor, NY 12553

63-3-2.1 & 63-3-2.3
Catherine Anderson
323 Sycamore Drive
New Windsor, NY 12553

63-3-2.2
Vladimer & Aleksander Zhukovskiy
Oleg Zhukovskiy
317 Sycamore Drive
New Windsor, NY 12553

63-3-3.1
Vincent & Hope Stanzione
311 Sycamore Drive
New Windsor, NY 12553

63-3-3.2
Christopher & Joanne Carter
315 Sycamore Drive
New Windsor, NY 12553

63-3-8
Eugene & Emily Cocozza
314 Chestnut Avenue
New Windsor, NY 12553

63-3-15.2
William & Alison Brand
324 Chestnut Avenue
New Windsor, NY 12553

63-4-4 & 63-4-6
Audie & Milagros Soto
350 Sycamore Drive
New Windsor, NY 12553

63-4-16
Tamara Dreyer
336 Sycamore Drive
New Windsor, NY 12553

63-4-18
Robert & Joanne Natale
332 Sycamore Drive
New Windsor, NY 12553

63-4-21
Michael & Stacylyn Guida
328 Sycamore Drive
New Windsor, NY 12553

63-4-22.1
Salvatore & Joann Catania
324 Sycamore Drive
New Windsor, NY 12553

63-4-22.21
Jennifer Brosnan
Donna Beyer
318 Sycamore Drive
New Windsor, NY 12553

57-1-39.15 & 57-1-39.16
Brian & Debora Arena
354 Chestnut Avenue
New Windsor, NY 12553

57-1-39.17
Eugene & Dorothy Kasello
344 Chestnut Avenue
New Windsor, NY 12553

57-1-39.18
James & Debra Quartuccio
340 Chestnut Avenue
New Windsor, NY 12553

57-1-77
Barry Saxe
Mc Daniel Road
Shady, NY 12479

57-1-111.1
George & Erika Galiatsos
21 Rick Drive
New Windsor, NY 12553

57-1-111.2
John & Sarah O'Gorman
29 Rick Drive
New Windsor, NY 12553

57-1-111.3
Robert & Kimberly & Joseph Mauro
30 Rick Drive
New Windsor, NY 12553

57-1-111.4
Albert & Athena Nasta
22 Rick Drive
New Windsor, NY 12553

57-1-112

Domenick & Gail Anne Mannina

362 Chestnut Avenue

New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF:

April 20, 2004

PROJECT:

Strategic Homes

ZBA #

04-29

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) MC S) MC

VOTE: A N

~~RIVERA~~

MCDONALD

REIS

MINUTA

~~KANE~~

A

A

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N

Need better water information
Also size of the bldg has changed

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-19-2004

FOR: ESCROW 04-29

FROM: STRATEGIC HOMES

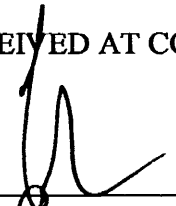
P.O. BOX 522

VAILS GATE, NY 12584

CHECK NUMBER: 1827

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

4/20/04

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 04-29

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#399-2004

04/23/2004

Strategic Homes, LLC
P.o. Box 522
Vails Gate, NY 12584

Received \$ 50.00 for Zoning Board Fees, on 04/23/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

April 19, 2004

Strategic Homes, LLC
P.O. Box 522
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #04-29

Dear Jerry:

This letter is to inform you that you have been placed on the April 26th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Sycamore Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

M. Reis RealtorsP.O. Box 472
77 East Main Street
Washingtonville, N.Y. 10982
P.O. Box 472
77 East Main Street
Washingtonville, N.Y. 10982
FAX (914) 496-7680

MARCH 26, 2004

TO WHOM IT MAY CONCERN:

WE ARE IN THE PROCESS OF SELLING OUR PROPERTY LOCATED AT:
SYCAMORE DR. BEAVER DAM LAKE, TOWN OF NEW WINDSOR, N.Y.

KNOWN AS TAX MAP: SECTION 64 BLOCK 4 LOTS 9-10-11-12 (9.1)

MICHAEL REIS OF M. REIS REALTORS IS OUR AGENT. THE PURCHASER
IS JERRY SASINI OF STRATEGIC HOMES.PLEASE LET THIS SERVE AS OUR PERMISSION TO HAVE EITHER REIS OR
SASINI ACT AS OUR "PROXY" FOR THE PURPOSE OF OBTAINING A VARIANCE
OR ANY OTHER RELATED ISSUES TO THE SALE OF THIS PROPERTY. WE
ARE NOW IN CONTRACT WITH STRATEGIC HOMES AND THE VARIANCE IS
NECESSARY TO CLOSE AND TO OBTAIN A BUILDING PERMIT.

THANK YOU.

John Taldone

JOHN TALDONE

John Taldone

JOHN TALDONE

RECEIVED

MAR 26 2004

BUILDING DEPARTMENT



"We make it happen"

Strategic Homes, LLC

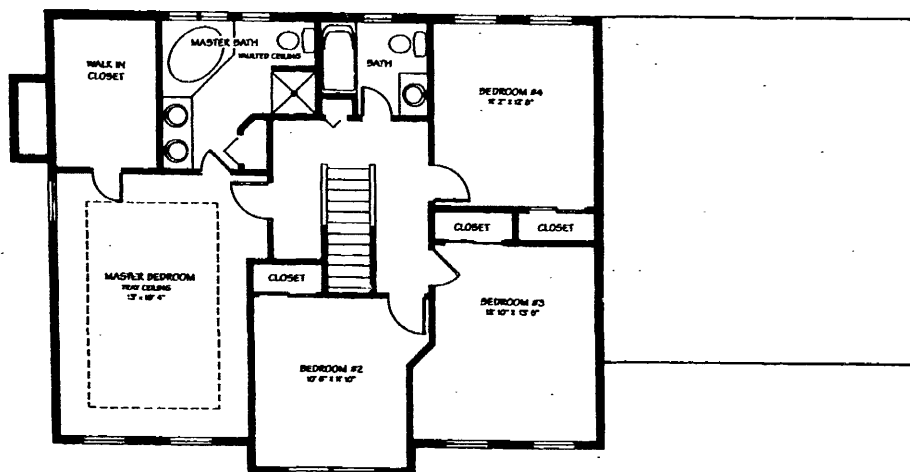
RECEIVED

MAR 24 2004

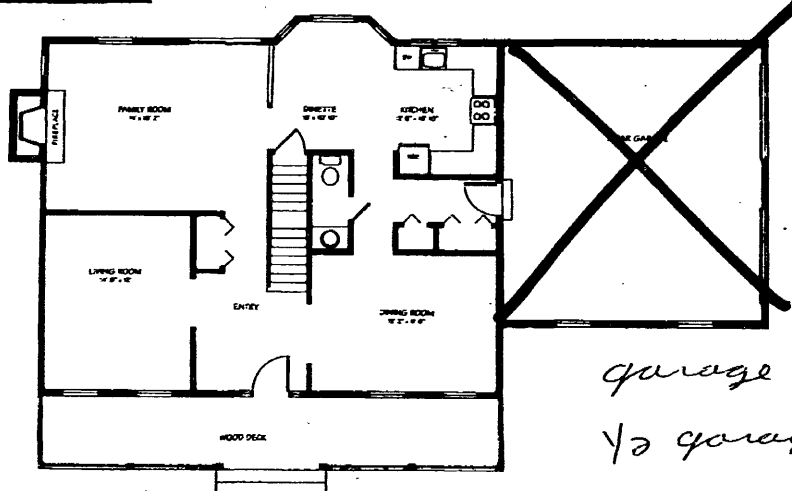
BUILDING DEPARTMENT



UPPER FLOOR



LOWER FLOOR



THE
Ava
MODEL

Features include:

- 2319 Square Feet
- 4 Bedrooms
- 2.5 Baths
- 2-Car Garage
- Fireplace
- Corner Whirlpool Tub
- Full Front Porch
- Skylights
- Hardwood Floors throughout Entire Downstairs
- 9' Ceilings Downstairs

*garage Under House
1/2 garage 1/2 Basement*

STRATEGIC HOMES, LLC

148 ROUTE 300, PO BOX 522 • VAILS GATE, NEW YORK 12584
845-561-0220 • fax: 845-561-1919 • e-mail: strategic@hvcrr.com



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).


SIGNATURE

4-5-04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.
(JULY AND AUGUST - ONE MEETING PER MONTH ONLY)



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

4-5-04
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information: John TADONE Phone Number: (702) 243-4375
(Name) Fax Number: ()
2609 Springridge Castle 89134
(Address)

II. Applicant: STRATEGIE HOMES LLC Phone Number: () 561-0220
(Name) Fax Number: ()
P.O. Box 522, Vails Gate, NY 12584
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number () 928-2288
Fax Number: ()
Design Group Tom Fildt
(Name)
(Address)

V. Property Information:
Zone: R-4 Property Address in Question: SPRINGMORE DR, BEVERLY HILLS
Lot Size: 100X200 Tax Map Number: Section 64 Block 4 Lot 9101112 (9.1)
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? 201405
d. Has property been subdivided previously? no If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____
f. Is there any outside storage at the property now or is any proposed? no

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

04-29

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

GRANTING OF VARIANCE WILL ALLOW FOR A SINGLE
FAMILY DWELLING THAT WILL NOT CHANGE THE CHARACTER OF THE NEIGHBORHOOD
OR CREATE A DETRIMENT TO NEARBY PROPERTIES. THE VARIANCE IS NOT SUBSTANTIAL
AND THERE IS NO OTHER MEANS FEASIBLE TO PURSUE. THE DIFFICULTY WAS NOT
SELF-CREATED AND GRANTING THE VARIANCE WILL NOT HAVE AN ADVERSE
EFFECT OR IMPACT ON ANY CONDITION IN THE NEIGHBORHOOD.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

014-2191

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>21,790 sq. ft.</u>	<u>20,000 sq. ft.</u>	<u>1,790 sq. ft.</u>
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. St Front*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ratio**		
Parking Area		

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

04-20

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

5th day of April 2008,

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Signature and Stamp of Notary

See Letter of Authorization
Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

04-29

KEN-DRILL, INC.
63 Black Meadow Road
Chester, New York 10918
845-469-2266

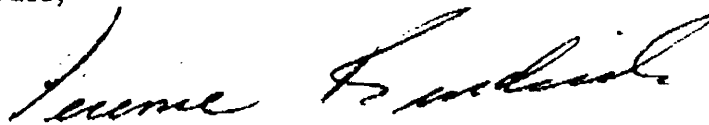
To Whom It May Concern:

I have been drilling water wells 25 years in the Orange County area.

In my experience of drilling these wells, I have found that drilling a new well does not deplete existing wells around it. Wells produce more than is needed for a one family home.

To my knowledge, I have never caused any other well to stop producing water, so the drying up or reducing water production of surrounding water wells, should not be a concern.

Very truly yours,



Terence Kendrick

Read into the minutes of 6/14/04 meeting.
Received at 6/14/04 meeting.